

**ENTERED**

May 18, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**KENNETH MANFREDI,**

§

**Plaintiff,**

§

**V.**

§

**CIVIL ACTION NO. 4:21-CV-319**

**APPLE RECOVERY SERVICES CORP.,  
BRYAN COHEN, individually, and  
JEFFREY WALLING, individually,**

§

§

§

**Defendants.**

**MEMORANDUM AND RECOMMENDATION**

Pending before the Court<sup>1</sup> is Plaintiff Kenneth Manfredi's motion for entry of default under Rule 55(a) of the Federal Rules of Civil Procedure against Defendant Jeffrey Walling.<sup>2</sup> The Court **RECOMMENDS** that the motion for entry of default be **GRANTED**.

Manfredi filed an amended complaint, adding Walling to the case, on March 15, 2021.<sup>3</sup>

Walling was served with process on April 12, 2021.<sup>4</sup>

Walling did not waive service and was served within a judicial district of the United States. Rule 12(a)(1)(A)(i) required him to answer or file an otherwise responsive pleading within twenty-one days of service, or by May 3, 2021. He has not done so.

Accordingly, the Court **RECOMMENDS** that Manfredi's motion for entry of default be

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<sup>1</sup> This case was referred to the Undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(A) and (B), the Cost and Delay Reduction Plan under the Civil Justice Reform Act, and Federal Rule of Civil Procedure 72. (See Dkt. No. 9.)

<sup>2</sup> Dkt. No. 18.

<sup>3</sup> Dkt. No. 12.

<sup>4</sup> Dkt. No. 16.

**GRANTED.**

The Clerk shall send copies of this Memorandum and Recommendation to the respective parties who have fourteen days from the receipt thereof to file written objections thereto pursuant to Federal Rule of Civil Procedure 72(b) and General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk electronically. Copies of such objections shall be mailed to opposing parties and to the chambers of the Undersigned, 515 Rusk, Suite 7019, Houston, Texas 77002.

**SIGNED** in Houston, Texas on May 18, 2021.



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Sam S. Sheldon  
United States Magistrate Judge